

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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U.S. DISTRICT COURT
SAN JUAN, P.R.

TWIN COUNTY GROCERS, INC.,
Plaintiff,

v.

CIVIL NO. 97-2052 (DRD)

MENDEZ AND CO., INC., et al.,
Defendants.

ORDER

In pertinent part, the minutes of a status conference, which the Court held on December 28, 1999, are as follows:

"Second, the Court received a facsimile letter transmission (which is appended to these minutes and a copy was provided to all attendees) regarding Plaintiff's, Twin County Grocers, Inc., viability to proceed with this case from Twin County's legal representation as to the pending Bankruptcy case. Therefore, Twin County is hereby **GRANTED** ten (10) days, that is until January 10, 2000 to inform the Court on this critical issue.

Third, due to Twin County's alleged liquidation, Twin County may be dismissed from the instant case due to the lack of a case and controversy. If such occurrence transpires, then only the Defendants and Third Party Defendants will remain in this case and after realignment complete diversity will not exist destroying the Court's jurisdiction. That is, only local claims will be pending and an affirmative defense implicating a federal question may not be enough for the Court to retain jurisdiction. Thus, the parties are **ORDERED** to simultaneously submit briefs by **February 14, 2000** to the Court explaining why the Court would or would not have jurisdiction if Twin County's dismissal comes to fruition."

(Docket No. 123). Subsequently, Plaintiff, Twin County Grocers, Inc., filed a Motion Complying With Court Order (Docket No. 124), requesting the Court to dismiss its affirmative claims. Therefore, all claims by Plaintiff, Twin County Grocers, Inc., are hereby **DISMISSED WITHOUT PREJUDICE**.

Wherefore, Defendants and Third Party Defendants are hereby **ORDERED TO SHOW CAUSE** by **February 14, 2000**, why the Court should not dismiss without prejudice the remaining causes of action, which are brought under Puerto Rico law, for lack of federal jurisdiction.

IT IS SO ORDERED.

Date: January 25, 2000



DANIEL R. DOMINGUEZ
U.S. District Judge

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